

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROCKY DALE ARMSTRONG, SR.,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-21-206-F
)	
L. PETTIGREW,)	
)	
Respondent.)	


ORDER

Petitioner Rocky Dale Armstrong, Sr. commenced this action seeking habeas relief under 28 U.S.C. § 2241. The matter was referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings in accordance with 28 U.S.C. § 636. On April 22, 2021, Magistrate Judge Mitchell issued a Report and Recommendation, recommending summary dismissal of petitioner’s habeas petition without prejudice to refiling. Specifically, Magistrate Judge Mitchell found petitioner had failed to state a cognizable claim under § 2241. Magistrate Judge Mitchell advised petitioner of his right to file an objection to the Report and Recommendation on or before May 13, 2021, and also advised him that failure to file a timely objection waives petitioner’s right to appellate review of both factual and legal issues contained in the Report and Recommendation.

To date, petitioner has filed neither an objection nor a request for extension of time to file an objection. With no objection being filed within the time prescribed by Magistrate Judge Mitchell, the court accepts, affirms, and adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell on April 22, 2012 (doc. no. 8) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. The Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 filed by petitioner Rocky Dale Armstrong, Sr. on March 11, 2021 (doc. no. 1) is summarily **DISMISSED WITHOUT PREJUDICE** to refiling.

IT IS SO ORDERED this 27th day of May, 2021.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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